

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-30 under 35 U.S.C. § 103(a) as unpatentable over ANDERLIND et al. (EP Application Publication No. EP 1 139 608 A2) (hereinafter ANDERLIND) in view of RATSCHUNAS et al. (PCT Application Publication No. WO 01/28171 A1) (hereinafter RATSCHUNAS) and further in view of EISINGER (EP Application Publication No. EP 1 289 220 A1). Applicant respectfully traverses this rejection.

By way of the present amendment, Applicant cancels claims 6, 7, and 16 without prejudice or disclaimer and amends claims 1-5, 8, 9, 11-15, and 17-21 to improve form. No new matter has been added by way of the present amendment. Claims 1-5, 8-15, and 17-21 are pending.

Initial Matters

The Examiner rejects claim 1-30 (Office Action, p. 2). Applicant notes that only claims 1-21 were previously pending. Clarification is respectfully requested.

**Rejection under 35 U.S.C. § 103(a) based on
ANDERLIND, RATSCHUNAS, and EISINGER**

Pending claims 1-5, 8-15, and 17-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over ANDERLIND in view of RATSCHUNAS and further in view of EISINGER. Applicant respectfully traverses this rejection.

Independent claim 1 is directed to a method for conditional displaying of an electronic message comprising at least one display condition for the message in a portable electronic device, the method comprising: receiving in the portable electronic device the message from an external device; determining in the portable electronic device the geographical position of the portable electronic device; determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message; and

displaying the message in the portable electronic device if the at least one display condition is fulfilled. Applicant respectfully submits that ANDERLIND in view of RATSCHUNAS and further in view of EISINGER do not disclose or suggest this combination of features.

For example, ANDERLIND in view of RATSCHUNAS and further in view of EISINGER do not disclose or suggest determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message. The Examiner concedes that ANDERLIND does not disclose the above feature and relies on the Abstract, Fig. 1, and p. 5, line 9 to p. 6, line 32 of RATSCHUNAS as allegedly disclosing the above features of claim 1 (Office Action, p. 3). Applicant respectfully disagrees with the Examiner's interpretation of RATSCHUNAS.

At the Abstract, RATSCHUNAS discloses:

The invention proposes a method for delivering messages in a network comprising at least one terminal device, comprising the steps of generating a message (S1), setting a condition for receiving the message (S2, S3), deciding whether the message is to be received by the terminal device on the basis of the condition (S5, S6), and transmitting the message to the terminal device on the basis of the result of the deciding step (S8). By this method, messages are only transmitted to a terminal device if certain condition, e.g., location conditions, are met. The invention also proposes a network system and a message generating device, a message delivering device and a terminal device adapted to the above method.

This section of RATSCHUNAS discloses a method for delivering messages in a network based on a condition for receiving the messages. The Examiner states that this section of RATSCHUNAS “teaches a message filtering design whereby the message can be filtered at either the network or mobile device” (Office Action, p. 3). Applicant respectfully disagrees and submits that this section of RATSCHUNAS specifically discloses that messages are only transmitted to a terminal device if certain conditions are met. In other words, this section of RATSCHUNAS explicitly discloses that a terminal device does not perform any message

filtering because the terminal device does not even receive the message until after the filtering is performed. Accordingly, this section of RATSCHUNAS does not disclose or suggest determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message, as recited in claim 1.

At Fig. 1, RATSCHUNAS illustrates components of a network system for delivering multimedia messages to a terminal device. This section of RATSCHUNAS illustrates that only a server (i.e., MMSC 2) includes a mechanism to determine whether to deliver a multimedia message to the terminal device (i.e., multimedia message delivery deciding means 21). Accordingly, this section of RATSCHUNAS does not disclose or suggest determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message, as recited in claim 1.

At p. 5, line 9 to p. 6, line 32, RATSCHUNAS discloses:

The location can be detected, for example, by accessing a Mobile Location Centre (MLC) for obtaining the latest position of the terminal. The location could also be available, for example at the home location register (HLR) or visitor location register (VLR). By this measure, the latest position can easily be obtained by referring to network elements already implemented in the network.

Also other conditions for receiving the message are possible. For example, an originator of the messages can be listed in a database of the terminal device, i. e., the mobile station. Hence, if a user of a terminal device is always interested to receive messages from a particular originator, this originator can be included in such a database. Then, receiving of the message can easily be permitted.

Moreover, the originator can belong to a group which is defined on the network side. Thus, if the user of the terminal device is always interested to receive messages from this originator group, this group can be listed in the database.

Furthermore, the recipient of the messages can be in a specific state with respect to willingness to receive messages in general or messages of given type or category. The state of the recipient may be enquired by the deciding means. The category condition of the message may have been set at the originator side automatically by the network, e. g., in order to prevent advertisement type of messaging without permission.

The information regarding the condition for receiving a message can be included in an optional field of the message. Hence, the information necessary to judge whether the deciding step is required can easily be detected within the message.

Furthermore, the terminal device can be determined as being inactive or busy in case it is decided that the condition is not met. By this measure, such a terminal device can be handled in the same way as if the terminal is not available in the moment. That is, no special procedure for handling messages which do not meet the condition is required. Furthermore, it can be decided whether delivering of the message should be tried later again or whether the message should not be delivered at all, as it is possible for a normal communication (e. g., phone call or fax transmission).

A delivery report can be sent to the originator of the message, i. e., the user of the multimedia message generator 1. However, it can be arranged that the delivery report can only be sent if the originator of the message is permitted to receive the delivery report. By this measure, it is taken care of the privacy of a user. That is, by this measure the user can avoid that someone is able to track his location without his consent.

This section of RATSCHUNAS discloses restricting delivery of a multimedia message to a terminal based on the location of the terminal. This section of RATSCHUNAS further discloses that a server determines whether the location of the terminal device fulfills a condition before delivering a multimedia message to the terminal. Neither this section nor any other section of RATSCHUNAS discloses that a terminal device performs any message filtering because the terminal device does not even receive the message until after the filtering is performed. Accordingly, RATSCHUNAS does not disclose or suggest determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message, as recited in claim 1.

Applicant submits that EISINGER does not cure the deficiencies of ANDERLIND and RATSCHUNAS. EISINGER discloses a system of broadcasting messages from one terminal to other terminals that are in the same area as the originating terminal (paragraph 0004). EISINGER also discloses that a server centrally administers the system and that the server

determines which other terminals should receive the broadcast messages based on the location of the other terminals (paragraph 00016). EISINGER does not disclose that any of the other terminals participate in this determination process. Accordingly, EISINGER does not disclose or suggest determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message, as recited in claim 1.

Moreover, ANDERLIND teaches away from determining in the portable electronic device whether the geographical position fulfills a geographical display condition of the message. Specifically, the Examiner admits that “Anderlind teaches a “message server” as providing the filtering since he claims that filtering by the mobile will cause battery drain (Para #61)” (emphasis added) (Office Action, p. 3). ANDERLIND further discloses that a “service provider can reduce the undesired traffic on the wireless system (including the air interface) by allowing the subscriber to determine the active profile and filter messages even before the messages are transmitted over the air interface to the mobile station” (emphasis added) (paragraph 0065). In other words, ANDERLIND teaches away from performing any message filtering at a mobile station because ANDERLIND discloses that centrally performed message filtering is used to overcome what ANDERLIND identified as problems with processing messages at a mobile station. One of ordinary skill in the art would, therefore, not be motivated to modify ANDERLIND to display the message in the portable electronic device if the at least one display condition is fulfilled, as recited in amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is patentable over ANDERLIND, RATSCHUNAS, and EISINGER, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests that the Examiner

reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) based on
ANDERLIND, RATSCHUNAS, and EISINGER.

Claims 2-4 depend from claim 1. Therefore, for at least the reasons given above with respect to claim 1, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Amended independent claim 5 is directed to a method for sending an electronic message in an electronic device, the method comprising: entering display conditions set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising: a geographical area in which the electronic device should be located when the electronic message is displayed in a recipient electronic device, and another geographical area in which the recipient electronic device should be located when the electronic message is displayed in the recipient electronic device; appending said display conditions to said electronic message; entering a receiver address to which the electronic message should be sent; sending the electronic message to a service node; storing the electronic message in the service node until the electronic device is within the entered geographical area and the recipient electronic device is within the entered geographical area; and forwarding the electronic message to the recipient electronic device when the electronic device is within the entered geographical area and the recipient electronic device is within the entered geographical area. Applicant respectfully submits that ANDERLIND in view of RATSCHUNAS and further in view of EISINGER do not disclose or suggest this combination of features.

For example, ANDERLIND in view of RATSCHUNAS and further in view of EISINGER do not disclose or suggest entering display conditions set by a transmitting user for

conditional display of the electronic message, the conditional display conditions comprising: a geographical area in which the electronic device should be located when the electronic message is displayed in a recipient electronic device. In addressing the prior version of claim 5, the Examiner does not point out a specific location in ANDERLIND, RATSCHUNAS, or EISINGER that discloses or suggests entering at least one display condition, which is intended for a recipient of the message, comprising a geographical display condition for conditional displaying of the message. Nevertheless, without acquiescing in this rejection, Applicant submits that neither ANDERLIND, RATSCHUNAS, EISINGER, whether taken alone or in any reasonable combination, disclose or suggest the above feature of amended claim 5.

ANDERLIND discloses a system for allowing a mobile station to create a filtering profile that determines the type and content of data messages that will be sent to the mobile station (Abstract). In ANDERLIND, the filtering profile sets filtering instructions or rules for a user at a receiving terminal that controls delivery, redirection, deletion, content manipulation, priority, or other aspects of data messages (paragraph 0030). ANDERLIND does not disclose that a message sender can determine any rules regarding whether a data message reaches a recipient. Rather, in ANDERLIND, only the receiving user can determine whether a data message is sent to the receiving user. Accordingly, ANDERLIND does not disclose or suggest entering display conditions set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising: a geographical area in which the electronic device should be located when the electronic message is displayed in a recipient electronic device, as recited in amended claim 5.

RATSCHUNAS discloses a system for restricting delivery of a multimedia message to a terminal based on the location of the terminal (Abstract). RATSCHUNAS discloses that a user

at a terminal (i.e., a multimedia message generator) can create a message and set a condition to receiving the message that must be satisfied before a destination terminal can receive the message (p. 9). Specifically, in RATSCHUNAS, the user at the terminal can set the condition such that the message is only transmitted to the destination terminal if the destination terminal is located in a certain area (p. 9). RATSCHUNAS does not disclose that the user can also set a condition that includes the location of the user's terminal. Accordingly, RATSCHUNAS does not disclose or suggest entering display conditions set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising: a geographical area in which the electronic device should be located when the electronic message is displayed in a recipient electronic device, as recited in amended claim 5.

EISINGER discloses a system of broadcasting messages from one terminal to other terminals that are in the same area as the originating terminal (paragraph 0004). EISINGER also discloses that a server centrally administers the system and that the server determines which of the other terminals should receive the broadcast messages (paragraph 00016). EISINGER discloses that the broadcasting can be restricted by location and distance (paragraph 0005). Specifically, EISINGER discloses that messages broadcast from a sender can be restricted to other terminals within a cellular area or to other terminals that are within a certain distance from the sending terminal (paragraph 0005). However, in EISINGER, the location of the sender is determined by the actual location of the sender and not by a location added by the sender (paragraph 0005). Accordingly, EISINGER does not disclose or suggest entering display conditions set by a transmitting user for conditional display of the electronic message, the conditional display conditions comprising: a geographical area in which the electronic device

should be located when the electronic message is displayed in a recipient electronic device, as recited in amended claim 5.

For at least the foregoing reasons, Applicant respectfully submits that claim 5 is patentable over ANDERLIND, RATSCHUNAS, and EISINGER, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 5 under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Claim 8 depends from claim 5. Therefore, for at least the reasons given above with respect to claim 5, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of this claim under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Amended independent claims 9 and 20 recite features similar to (yet possibly different in scope than) those set forth above with respect to claim 1. Accordingly, claims 9 and 20 are patentable over ANDERLIND, RATSCHUNAS, and EISINGER, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9 and 20 under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Claims 10-14 depend from claim 9. Therefore, for at least the reasons given above with respect to claim 9, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Amended independent claims 15 and 21 recite features similar to (yet possibly different in scope than) those set forth above with respect to claim 5. Accordingly, claims 15 and 21 are patentable over ANDERLIND, RATSCHUNAS, and EISINGER, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons set forth above with respect to claim 5. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 15 and 21 under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Claims 17-19 depend from claim 15. Therefore, for at least the reasons given above with respect to claim 15, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 103(a) based on ANDERLIND, RATSCHUNAS, and EISINGER.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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